
BZA-1824
SCOTT & WILENE GILLIM
Special Exception

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, with consent of owner, are requesting a special exception to permit horse riding and training stables (SIC 7999). The stables would be open 8 a.m. until 8 p.m., Monday through Saturday, hosting shows once a month. The property, located in the A and FP zones, is more commonly known as 5534 N 150 W, about a mile west of Harrison High School, in Wabash 25 (NW) 24-5. (UZO 3-2)

AREA ZONING PATTERNS:

The site is zoned A (Agricultural) with a small amount of FP (Flood Plain) zoning at the west of the property associated with the Grant Cole Regulated Drain. All surrounding land is also zoned A.

Several other horse stables with riding arenas have come before the Board and been approved in the past 8 years: Wild About Horses on SR 25 (BZA-1637), Zanik Corporation on CR 900 S (BZA-1636) in 2003 and Double H Horse Farm on 500 S (BZA-1726) in 2006.

AREA LAND USE PATTERNS:

Petitioners' property, 49 acres, includes their single-family dwelling, pole barn, and several horse enclosures. The site is bordered to the south by an existing tree line and the legal drain forms the western boundary.

Surrounding ground is primarily large lot residential and agricultural. Harrison High School, Battle Ground Middle School and Burnett Creek Elementary, as well as Harrison Highlands Subdivision are located about one mile to the east along CR 50 W.

TRAFFIC AND TRANSPORTATION:

County Road 150 W is a lightly traveled, gravel rural local road; traffic counts taken in 2009 indicated that 19 cars pass petitioners' property daily.

Access to the site is via an existing residential drive. Petitioners will need to obtain a driveway permit from County Highway for a new on the southern edge of the site; driveway approval is a condition of this report. Based on conversations with County Highway, there is no immediate concern regarding the amount of traffic petitioners are proposing on CR 150 W.

The parking requirement for this use is one space per horse at maximum barn capacity. Petitioners have room for 12 horses, only 12 spaces are required; 17 are shown on the site plan. Parking in the A zone does not have to be paved but should have physical barriers that delineate the parking area. Petitioners have indicated there is room for excess parking and will submit a new site plan that reflects overflow parking locations.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

There is an existing septic system as noted on the site plan which serves the residence. There are no requirements to include bathrooms in a commercial barn according to the Building Commission. Petitioners are planning on providing watering stations for horses and will utilize portable restrooms if needed; the County Health Department does not regulate portable restrooms. Additionally, because a barn is considered an agricultural structure, there is no need to obtain commercial releases from the State. Drainage plans will need to have approval from the County Surveyor.

A horse riding arena and stable is an open use which requires a special setback of 50' on all property lines. Based on the submitted site plan, all applicable setbacks can be met.

STAFF COMMENTS:

Petitioners initially approached staff with a big vision and many challenges including drainage, survey requirements and State approval. Since first filing in March, petitioners have reduced the scope of their project to a manageable level making this use appropriate to the site and circumstances. Petitioners are proposing a 22,932 sq. ft. indoor riding arena with six stalls for boarding horses in addition to an outdoor arena, trail riding and additional pasture area. While large, this barn is in line with other riding arenas that have received special exceptions.

Petitioners intend on boarding horses, offering riding lessons and hosting shows on weekends with hours of operation Monday through Sunday 8 a.m.-10 p.m. The petition indicates that most traffic will occur on weekends during shows. To lessen negative impacts on adjoining properties and to ensure that participants aren't parking trailers in the right-of-way of CR 150 W, petitioners have shown overflow parking areas on their site plan. Noise will also be concentrated during show times, but with operating hours ending at 10 p.m. any noise generated by this use will not disrupt evenings.

Outdoor lighting shown is typical of an agricultural area; the petition indicates that in the future, lighting the outdoor arena is a possibility. The outdoor area is centrally located on petitioners' site so there is little concern regarding light intrusion onto neighboring properties. Additionally, the existing tree line to the south and the drain to the west will also provide buffering for neighbors.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for this use (SIC 7999—Amusement and Recreation Services-outdoor) in the A & FP zoning districts.

And it is staff's opinion that:

2. Because petitioners have shown adequate parking, required open use setbacks are met and with a condition requiring County Highway approval for a driveway the requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. This agricultural use is permitted by special exception in the A and FP zones. Petitioners have met all additional open use setback requirements and the existing tree line and creek will further serve to protect adjacent uses.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: Traffic will be concentrated on weekends and County Highway has no immediate concerns regarding traffic on CR 150 W;
 - b. Placement of outdoor lighting: Proposed lighting is typical for an agricultural use: entry lights at doors and pole farm lights. Future plans indicate the possibility of lighting the outdoor arena, but its central location on petitioners' property will reduce light intrusion and negative impacts; and
 - c. Noise production & Hours of Operation: Noise will be heaviest on show weekends, but because all activities will end at 10 p.m., there will be minimal negative impacts on the agricultural character of the area.

STAFF RECOMMENDATION:

Approval, with the following conditions met before obtaining an Improvement Location Permit:

1. A new site plan must submitted indicating placement of future outdoor lighting on the outdoor arena and designating overflow parking;
2. Driveway approval from County Highway; and
3. Drainage approval from the County Surveyor.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.